

ORIGINAL

ORDINANCE NO. 276

AN ORDINANCE OF THE CITY OF LODI CREATING AND
ESTABLISHING A PERSONNEL SYSTEM FOR SAID CITY

The City Council of the City of Lodi does ordain as follows:

Section 1. Adoption of Personnel System. Pursuant to the authority granted to the legislative body of any city within the State of California under the provisions of Chapter 48, Statutes of 1935, and in order to establish an equitable and uniform procedure for dealing with personnel matters through a department of personnel, and to place municipal employment on a merit basis so that the best qualified persons available shall be brought into the service of the city, the following Personnel System is hereby adopted.

Section 2. Department of Personnel. There is hereby created a Department of Personnel which shall consist of a Board of Review and a Personnel Clerk. The Board of Review shall consist of three members to be appointed by the City Council.

The first Board to be appointed shall, at its first meeting, so classify its members by lot that one shall serve for a term which shall expire January 15, 1942, one shall serve for a term which shall expire January 15, 1944, and one shall serve for a term which shall expire January 15, 1946. At the expiration of each of the terms so provided for; a successor shall be appointed by the City Council for a term of six years.

Vacancies on the Board of Review, from whatever cause, shall be filled by appointment by the City Council for the unexpired term. Each member of the Board shall serve until his successor is appointed and qualified. A four-fifths vote of all members of the City Council shall be required to appoint a member to said Board or to fill any vacancy thereon or to remove any member of said Board from office prior to the expiration of his term of office.

The members of the Board of Review shall be qualified electors of said city and shall serve without compensation. No person shall be appointed to said Board who holds any salaried public office or employment, nor shall any member while a member of the Board of Review or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the city.

Section 3. Duties of the Board of Review. The functions of the Board shall be:

(a) To adopt the classification plan and revisions thereto.

(b) As provided by this ordinance and by rule, to hear appeals submitted by any person in the competitive service relative to any situation connected with his employment status or condition of employment, and to submit a written statement of facts, findings, and recommendations to the appointing authority from whose action or decision the appeal was made. Such recommendations shall be advisory only. The findings and recommendations of the Board of Review and any action taken by the City Council or other appointing authority shall be final and conclusive and shall not be reviewable in any court.

(c) To review and approve or disapprove recommendations of the personnel clerk concerning the abolition of eligible lists.

Section 4. Personnel Clerk. The City Council shall appoint a Personnel Clerk whose duty it shall be to act in the capacity of clerk for the Personnel System. The duties of the office of Personnel Clerk may be combined with those of any other office in the event the work involved does not warrant, in the discretion of the City Council, the creation of a special position. The Personnel Clerk shall:

(a) Attend all meetings of the Board of Review.

(b) Administer all provisions of this ordinance and the rules established hereunder, not specifically reserved to the

City Council or the Board of Review, and perform all lawful and necessary duties essential to the effective administration of the personnel system.

(c) Prepare rules, and revisions and amendments thereof, for the consideration of the City Council.

(d) Prepare a position classification plan and class specifications and revisions thereof for the consideration of the Board of Review.

(e) Prepare a salary and wage plan for the competitive service for consideration by the City Council or Library Board prior to submission of the city budget. After approval by the City Council, the plan shall constitute the official schedule of compensation in the competitive service.

(f) Maintain an official roster of officers and employees and such other records as may be required,

Section 5. Competitive Service. The provisions of this ordinance shall apply to all offices, positions and employments in the service of the city, except:

(n) Elective Offices. Provided however, that in the event the people of the city shall at a general municipal election or special election held for that purpose, elect to change the status of any one or more elective officers of the city to that of appointive officers, then at the expiration of the term of office of any such officer, the person holding the office at the time of the expiration of said term, providing that he shall have served in such position for a period of at least six months continuously, immediately prior to the expiration of said term of office, shall assume regular status in the competitive service without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this ordinance.

(b) Department Heads. Provided however, that incumbent department heads and department heads appointed from the competitive service shall, upon termination of employment in the noncompetitive service, be reinstated to the competitive service unless charges are filed under the procedure as outlined in Section 10. In the event charges are filed, reinstatement to the competitive service shall be governed by the provisions of Section 10 and the rules for personnel administration covering appeals by employees in the competitive service. Within a ny six months period following the election of city councilmen, a four-fifths vote of all members of the Council shall be required to vacate the office or discharge an incumbent department head. At other times a majority vote shall be sufficient.

(c) Members of Volunteer Fire Department who are not paid a full-tirile monthly salary.

(d) Employees paid on an hourly basis

Offices, positions and employments not exempted above shall constitute the competitive service of the city.

Section 6. Adoption of Rules. In addition to such other matters as may be necessary and proper to carry out the intent and purposes ,of this ordinance, rules shall be formulated, and shall be adopted by the City Council establishing specific procedures to govern the following phases of the personnel program:

(a) The preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service.

(b) The preparation, installation, revision, and maintenance of a salary and wage plan covering all positions in the competitive service.

(c) The public announcement of vacancies and examinations and the acceptance of applications for employment.

(d) The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.

(e) The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.

(f) The evaluation of employees during the probationary period.

(g) The transfer, promotion, demotion and reinstatement of employees in the competitive service.

(h) The separation from the service of employees through lay-off, suspension, dismissal and for incapacity to perform required duties.

(i) The standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.

(j) The maintenance and use of necessary records and forms.

Section 7. Appointments. Appointments to vacant positions in the competitive service shall be made in accordance with the rules established hereunder and from employment lists resulting from competitive examination, or by promotion, transfer, demotion or reinstatement. Appointments shall be made by the City Council or Library Board, or by the officer in whom the power to make appointments is vested by law.

If appointment is to be made from employment or promotional lists, the names of persons willing to accept appointment shall be certified by the Personnel Clerk in the order in which they appear on the lists. The number of names certified shall exceed by two the number of vacancies to be filled.

In the absence of appropriate employment lists, a temporary appointment may be made by the appointing authority of a person meeting the minimum qualifications for the position, provided, however, that an employment list shall be established for such position within ninety days. No person shall be employed by the city under temporary appointment for a total of more than ninety days in any fiscal year.

No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists, for service rendered under a temporary appointment.

During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of an employee, the vacancy created may be filled by the appointing authority only by temporary appointment.

In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation, but such appointment shall not exceed fifteen working days.

Section 8. Probationary Period. All original and promotional appointments shall be for a probationary period of six months during which the employee may be rejected at any time without right of appeal or hearing in any manner.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this ordinance and the rules.

Any employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to the position from which he was promoted or transferred if within six months after such promotion or transfer action is taken to dismiss him, unless charges are

filed and he is discharged in the manner provided in this ordinance and the rules established hereunder for positions in the competitive service.

Section 9. Suspensions. An appointing authority may suspend an employee under his jurisdiction without pay for disciplinary purposes. No employee shall be suspended for more than thirty days in any fiscal year.

Section 10. Reduction, Demotion, and Discharge. An appointing authority may reduce, demote, or discharge a subordinate at **any** time for the good of the service. Written notice of the action shall be served upon the employee affected and filed with the Personnel **Clerk**: before it shall become effective. The employee may appeal within ten days to the Board of Review for a hearing.

Section 11. Abolition of Position. Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish any position **or** employment in the competitive service and discharge the employee holding such position or employment without filing written charges and without the right of appeal. The name of such an employee so discharged shall be placed at the top of the appropriate employment list or lists, as provided by the rules.

Section 12. Status of Present Employees. Any person holding a position or employment included in the competitive service **who**, on the effective date of this ordinance, shall have served continuously in such position, or in some other position included in the competitive service, for a period of at least six months immediately prior to such effective date, **shall** assume regular status in the competitive service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this ordinance.

Any other persons holding positions or employments in the competitive service shall, be regarded as holding their positions or employments as probationers who are serving out the balance of their probationary periods before obtaining regular status.

Section 13. Powers of Appointing Authorities. The City Council and any other authority in whom is vested by law the power to make appointments, transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this ordinance and the rules established hereunder, it being the intent and spirit of this ordinance to provide a fair and just approach to municipal employment in order that city employees may be selected and promoted on a merit basis, but in no sense to impair the efficiency of the public service.

Section 14. Facilities and Cooperation. Officers and employees of the city shall, during usual business hours, grant to the Personnel Clerk or his designated representative free access to premises and records under their control and shall furnish such assistance and information as may be required in carrying out the functions of the Personnel Department.

Section 15. Power to Subpoena Witnesses. In any investigation or hearing conducted by the Board, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoena issued in the name of the city and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such a subpoena shall subject said person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council. Each member of the Board of Review shall have the power to administer oaths to witnesses.

Section 16. Political and Religious Discrimination.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief'.

Section 17. Political Activity. No person holding a position in the competitive service shall seek or accept election, nomination or appointment as an officer of a county or municipal political club or organization, or take an active part in, or make any contribution or donation to, any county or municipal political campaign, or serve as a member of a committee of such club or organization or circle, or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges or pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election, or for nomination to a public office, whether county or municipal; provided, however, that nothing in this ordinance shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote. An employee who wishes to accept or seek election, or appointment to political office, shall resign from the service upon indicating such intention by formal declaration or other evidences of candidacy.

Any willful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any officer or employee.

Section 18. Solicitation of Contributions. No officer, agent, clerk or employee, under the government of the city shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary,

Section 23. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Section 24. This ordinance shall take effect thirty days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof shall be published at least once in the LODI NEWS SENTINEL, a newspaper of general circulation, published and circulated in the City of Lodi, and thenceforth and thereafter the same shall be in full force and effect.

Adopted and approved this 3rd day of December 1941.

G. M. Steele
Mayor

ATTEST:

J. F. Blakely
City Clerk

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN
CITY OF LODI.

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I, J. F. BLAKELY, City Clerk of the City of Lodi do hereby certify that that the foregoing Ordinance No. 276 was regularly introduced in the City Council of said City on October 24, 1941 and thereafter, on the 3rd day of December, 1941 regularly passed, approved and adopted by the following vote:

AYES: Councilmen, Steele, Bull, Riggs, Rinn and Weihe.
NOES: Councilmen, None.
ABSENT: Councilmen, None.

J. F. Blakely
City Clerk of the City Council and ex-officio
Clerk of the City Council of said City

December 3, 1941.